E-filing

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE COUSTODY

Name: Ballard	Benjamin	Frank	
(Last)	(First)	(Initial)	- 19 M
Prisoner Number: <u>D-04049</u>			The state of the s
Institutional Address: Ben Ballar	d . D-04049 / 2N96-U. San Quentin, C	A. 94974.	
	UNITED STATES DISTRIC	T CCOURT	
	NORTHERN DISTRICT O	FORM 8	2550
DENITAMINI ED ANIV DATT ADT	`		

VS.

Full Name of Petitioner

Clerk of court)

Case No. (to be provided by the

MMC

(PF

ROBERT AYERS JR. WARDEN OF SAN QUENTIN

PETITION FOR A WRIT OF HABEAS CORPUS

Name of Respondent (Warden or jailor)

Read Comments Carefully Before Filling In

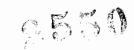
When And Where To File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were <u>not</u> convicted or sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined Habeas L. R. 2254-3(b).

E-filing





U.S. District Court Northern California



ECF Registration Information Handout

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you **must** (check off the boxes ☑ when done):

1) Serve this ECF Registration Information Handout on all parties in the case along with the complaint, or for removals, the removal notice. DO NOT serve the efiler application form, just this handout.

Each attorney representing a party must also:

- 2) Register to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- 3) Email (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- 4) Access dockets and documents using PACER (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: http://pacer.psc.uscourts.gov or call (800) 676-6856.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.

ECF registration forms, interactive tutorials and complete instructions for efiling may be found on the ECF website: http://ecf.cand.uscourts.gov

Version 5/14/2007

Page 1 of 3

Submitting Initiating Documents

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge (**not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: **http://ecf.cand.uscourts.gov** and click on [Judges].

You must include the case number and judge's initials in the <u>subject line</u> of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

Converting Documents to PDF

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: http://ecf.cand.uscourts.gov, and click on [FAQ].

<u>Email Guidelines</u>: When sending an email to the court, the subject line of the email <u>must</u> contain the **case number**, **judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

Examples: The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

Type of Document	Email Subject Line Text
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO

Version 5/14/2007

<u>Ouestions</u>

Almost all questions can be answered in our FAQs at http://ecf.cand.uscourts.gov, please check them first.

You may also email the ECF Help Desk at ECFhelpdesk@cand.uscourts.gov or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

Version 5/14/2007

E-filing united states district court &

Dear Sir or Madam:	(4)
Your petition has been filed as civil case number_	
A filing fee of \$5.00 is now due. If you are unable must sign and complete this court's Prisoner's In I the application is granted, you will not have to pre	Forma Pauperis Application in its entirety. If
Your petition is deficient because you did not pay	the filing fee and:
1you did not file an <u>In Forma Pauperis</u> App	lication.
2 the <u>In Forma Pauperis</u> Application you sul	bmitted is insufficient because:
You did not use the correct form. Y In Forma Pauperis Application.	ou must submit this court's current Prisoner's
Your In Forma Pauperis Application	n was not completed in its entirety.
You did not sign your In Forma Pau	peris Application.
You did not submit a Certificate of signed by an authorized officer at the prison	Funds in Prisoner's Account completed and n.
You did not attach a copy of your pr transactions for the last six months.	risoner trust account statement showing
V Other No IFP + PPLICAT	710~
Enclosed you will find this court's current Prisoner includes a Certificate of Funds in Prisoner's Account convenience.	
Warning: YOU MUST RESPOND TO THIS NOTHIRTY DAYS from the filing date stamped a file closed and the entire filing fee will become of Forma Pauperis Application will allow the cour filing fee should be waived.	above, your action will be DISMISSED, the due immediately. Filing a Prisoner's <u>In</u>
	Sincerely, RICHARD W. WIEKING, Clerk,
	Ву
rev. 11/07	Deputy Clerk

BALLARD

UNITED STA TES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

INSTRUCTIONS FOR PRISONER'S IN FORMA PA UPERIS APPLICATION

You must submit to the court a completed Prisoner's <u>In Forma Pauperis</u> Application if you are unable to pay the entire filing fee at the time you file your complaint or petition. Your application must include copies of the prisoner trust account statement showing transactions for the last six months and a certificate of funds in prisoner's account, signed by an authorized officer of the institution.

A. Non-habeas Civil Actions

Effective April 9, 2006, the filing fee for any civil action other than a habeas is \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C. § 1915.

You must pay an initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to your account for the 6-month period immediately before the complaint was filed or (b) the average monthly balance in your account for the 6-month period immediately before the complaint was filed. The court will use the information provided on the certificate of funds and the trust account statement to determine the filing fee immediately due and will send instructions to you and the prison trust account office for payment if in forma pauperis status is granted.

After the initial partial filing fee is paid, your prison's trust account office will forward to the court each month 20 percent of the most recent month's income to your prison trust account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not be required to pay part of the filing fee that month.

If your application to proceed in forma pauperis is granted, you will be liable for the full \$350.00 filing fee even if your civil action is dismissed. That means the court will continue to collect payments until the entire filing fee is paid. However, if you do not submit this completed application the action will be dismissed without prejudice and the filing fee will not be collected.

B. <u>Habeas Actions</u>

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in forma pauperis you will not be required to pay any portion of this fee. If you are not granted leave to proceed in forma pauperis you must pay the fee in one payment and not in installments. If you use a habeas form to file a non-habeas civil action, you will be required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.

IFP APPLI.-PRISONER (Rev. 4/06)

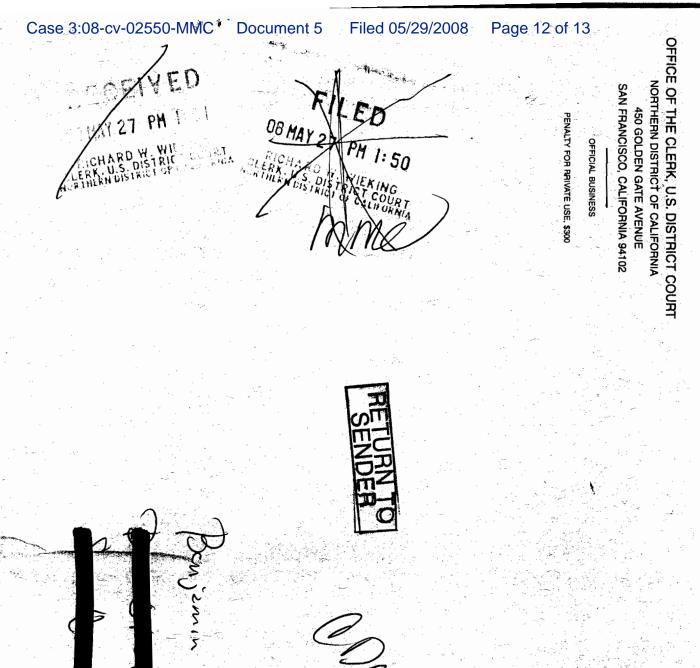
PRIS. APP. TO PROC. IN FORMA PAUPERIS

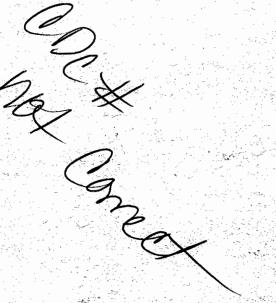
- 1 -

	11		•	
1	If the answ	er is "no," state the date of last employm	ent and the am	ount of the gross and ne
2	salary and	wages per month which you received. (1	If you are impr	isoned, specify the last
3	place of em	ployment prior to imprisonment.)		
4		<u> </u>		· .
5				
6		·		
7	2. Hav	e you received, within the past twelve (1	2) months, any	money from any of the
8	following s	ources:	Ċ	•
9	a. ;	Business, Profession or	Yes	_ No
10	1	self employment		
11	b.	Income from stocks, bonds,	Yes	_ No
12		or royalties?	_	
13	с.	Rent payments?	Yes	_ No
14	√ d.	Pensions, annuities, or	Yes	_ No
15		life insurance payments?	*	,
16	e.	Federal or State welfare payments,	Yes	_ No
17		Social Security or other govern-		,
18	,	ment source?	••	
19	If the answer	r is "yes" to any of the above, describe ea	ch source of m	oney and state the amou
20	received from	n each.		
21		·		
22	<u>-</u>			· ·
23	3. Are y	ou married?	Yes	_ No
24	Spouse's Ful	! Name:		
25	Spouse's Place	ce of Employment:		
26	Spouse's Mo	nthly Salary, Wages or Income:		,
27	Gross \$	Net \$		
28	4. a.	List amount you contribute to your spo	ouse's support:	<u> </u>

1	9. Do you have any other debts? (List current obligations, indicating amounts and to
2	whom they are payable. Do not include account numbers.)
3	
4	
. 5	10. Does the complaint which you are seeking to file raise claims that have been presented
. 6	in other lawsuits? Yes No
7	Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
. 8	which they were filed.
9	
10	
1,1	I consent to prison officials withdrawing from my trust account and paying to the court
12	the initial partial filing fee and all installment payments required by the court.
13	I declare under the penalty of perjury that the foregoing is true and correct and
14	understand that a false statement herein may result in the dismissal of my claims.
15	· · · · · · · · · · · · · · · · · · ·
16	
17	DATE SIGNATURE OF APPLICANT
18	
19	
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24	
25	
26	· ·
27	
28	
PRIS. APP. TO PRO	c. in forma pauperis - 4 -

Case Number: Case Number: Case Number: CERTIFICATE OF FUNDS IN PRISONER'S ACCOUNT I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of			
CERTIFICATE OF FUNDS SIN PRISONER'S ACCOUNT I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of for the last six months where (s)he is confined. I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ Dated: [Authorized officer of the institution] Authorized officer of the institution]	1	1	
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PENALTY FOR PRIVATE USE, \$300

RECEIVED

03 MAY 29 PM 1: 48

RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERNODISTRICT OF CALIFORNIA

MM CALL





WITHOUT INMAGE IDENTIFICATION NUMBER

M. IDENIIFICATION NONBER



